of taxing in terms of gross receipts, as a means of reaching the intangible property of the corporation within the state, has frequently been declared constitutional. *Pacific Express Co.* v. *Seibert*, 142 U. S. 339; *Postal Tel. Cable Co.* v. *Adams*, *supra*. But of course the court must be satisfied that it is a *bonâ fide* taxation of property, and not a tax on the gross receipts as such.

TORTS — INTERFERENCE WITH BUSINESS OR OCCUPATION — LIABILITY FOR CONSTRAINING PLAINTIFF BY THREAT OF WRONG TO BREAK A CONTRACT. — The defendant, an ice manufacturer, at a time of great scarcity in the market threatened to break a contract to supply ice to the plaintiff, a wholesale and retail dealer, unless the plaintiff would break its contract to supply ice to a third person. The defendant's motive was a desire to sell to this third person. The plaintiff broke the contract with the third person, and the latter recovered damages from it. *Held*, that the plaintiff has a cause of action against the defendant. *Sumwalt Ice Co.* v. *Knickerbocker Ice Co.*, 80 Atl. 48 (Md.).

By the weight of authority, the making of a contract confers upon each party thereto a certain right *in rem*, so that either party has a right of action against a third person who without justification procures a breach of the contract by the other party. *Lumley* v. *Gye*, 2 E. & B. 216; *Heath* v. *American Book Co.*, 97 Fed. 533. There would seem to be no logical reason why a contracting party's rights are not equally infringed when he himself is coerced to break the contract. *Lynch* v. *Quincy*, 11 HARV. L. REV. 469. Although in the principal case the plaintiff's cause of action must arise in a sense from his own wrong, in many cases the parties have been held not to be *in pari delicto* where they were not in equal degrees of guilt or where one party had exercised undue pressure upon the other. *Gray* v. *Boston Gas Light Co.*, 114 Mass. 149; *County of La Salle* v. *Simmons*, 10 Ill. 513. Since the court could find that "the act of the plaintiff was not voluntary," the case may be regarded as a novel but logical and justifiable extension of the doctrine of liability for wrongful interference with the contract relation.

WITNESSES — PRIVILEGE AGAINST SELF-INCRIMINATION — PRIVILEGE OF CORPORATE OFFICER ORDERED TO PRODUCE INCRIMINATING BOOKS. — In an investigation by a federal grand jury, a *subpœna duces tecum* was issued to a corporation ordering it to produce certain books. These books were kept by the president, who refused to produce them on the ground that they would incriminate him personally. *Held*, that the constitutional privilege against self-incrimination does not justify such a refusal. *Wilson* v. *United States*, 31 Sup. Ct. 538; *Dreier* v. *United States*, *id.* 550.

There are authorities against these cases. *Ex parte Chapman*, 153 Fed. 371; *Rex* v. *Cornelius*, 2 Str. 1210; *Rex* v. *Purnell*, 1 W. Bl. 36. They seem, however, to be correctly decided. It is well settled that the constitutional right not to be a witness against oneself may be waived by testifying on the subject matter involved. *Fitzpatrick* v. *United States*, 178 U. S. 304; *State* v. *Nichols*, 29 Minn. 357. So one who keeps public or quasi-public records required by law waives his privilege against self-incrimination to such an extent that he may not lawfully refuse to produce them. *Bradshaw* v. *Murphy*, 7 C. & P. 612; *People* v. *Coombs*, 158 N. Y. 532; *State* v. *Donovan*, 10 N. D. 203. The right of the state to create such situations, demanding by implication a waiver of this constitutional protection, has been upheld as constitutional within wide limits. *State* v. *Davis*, 68 W. Va. 142. But *cf. People ex rel. Ferguson* v. *Reardon*, 197 N. Y. 236; *People* v. *Rosenheimer*, 128 N. Y. Supp. 1093. By virtue of the visitatorial power reserved to the state and federal government, a corporation has no privilege against self-incrimination, and, as far as the corporate entity itself is concerned, must produce evidence against itself when so ordered.

Hale v. *Henkel*, 201 U. S. 43, 74; *State* v. *Standard Oil Co.*, 218 Mo. 1. So one who becomes an officer of a corporation must be held to waive his privilege to this extent, that he must disclose such facts and produce such evidence as the corporation is required to disclose or produce through him as its proper agent. But see 3 WIGMORE, EVIDENCE, § 2259.

BOOK REVIEWS.

THE SPECIAL LAW GOVERNING PUBLIC SERVICE CORPORATIONS AND ALL OTHERS ENGAGED IN PUBLIC EMPLOYMENT. By Bruce Wyman, A.M., LL.B., Professor of Law in Harvard University. New York: Baker, Voorhis and Company. 1911. In two volumes. pp. ccxvii, xxvi, 1517.

After the great American text-books of the middle of the nineteenth century, which in more than one case rose to a position of quasi-authority and in many cases contributed not a little to the development of the law, a period of digest text-books set in, in which servile following of the letter of judicial decisions was taken to be a merit and it was assumed that a bare exposition of the points decided or a formulation of such points in abstract propositions was statement of "the law," and hence was the function of the practical law-writer. While these ideas prevailed, the boast of the careful writer was that he had cited all the cases; as to other matters, he could say, with the prologue to Alfred's Laws, "I durst not venture to set down in writing much of my own." The period was not one of juristic sterility, as the acute and well-reasoned discussions in legal periodicals of the time demonstrate. Until the mechanics of digest-making had been brought to what it is now, the text-book was needed to do the work of an index to the reports. Today, no text-book can compare with the digests and cyclopedias in this service, if for no other reason, because there is no way of keeping it continually up to date. In consequence text-books must be mere elementary sketches for students, or else must lead and guide as did the classical works of an earlier period, or they are not worth while. Professor Wigmore's treatise on Evidence has shown us that the time for texts which shall shape the law, and not merely mould headnotes or digest paragraphs into literary form, has by no means gone by. The influence which that book is exerting before our eyes witnesses that the law schools may do no less for the law today than they did in the classical days of Kent and Story and Greenleaf. Indeed, even more than that time, the present is a period of legal development. Professor Wyman is to be congratulated, therefore, upon the opportunity of expounding a great branch of the law, while its details are still formative and before its main outlines have rigidified, at a time when juristic development of the materials of the common law on a large scale has regained its place in our legal literature.

As the first to treat of the law of public service companies as a unit, the author has had the opportunities and has had to meet the difficulties of the pioneer. On the one hand, he has had free scope for analysis and for the working out and development of a consistent theory of his subject. On the other hand, in the construction and application of the theory, he has had to take many steps in the dark, or at least in what the common-law lawyer is likely to consider the dark — namely, the light of pure juristic theory. But the time has come for many steps in that light in more than one department of our law.

Obviously the older method of calling this or that a common carrier by analogy, so that the test of a public calling might be how far it could be put in the category of common carrier without too violent straining of fiction, was